

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 08-10066-GAO

ELEANOR McCULLEN, JEAN BLACKBURN ZARRELLA, GREGORY A. SMITH, ERIC  
CADIN, CYRIL SHEA, NANCY CLARK, and MARK BASHOUR,  
Plaintiffs,

v.

MARTHA COAKLEY, Attorney General for the COMMONWEALTH OF  
MASSACHUSETTS, DANIEL F. CONLEY, District Attorney for Suffolk County, MARK G.  
MASTROIANNI, District Attorney for Hampden County, and JOSEPH D. EARLY, District  
Attorney for Worcester County,  
Defendants.

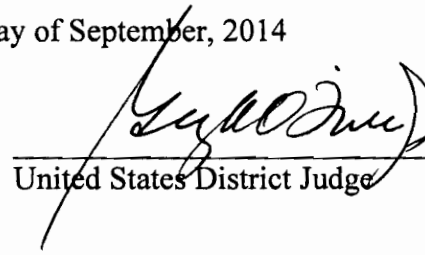
ORDER ON REMAND

O'TOOLE, D.J.

This case came before the Court on the joint motion of the parties for entry of a final judgment in accordance with the First Circuit's judgment entered on July 28, 2014 and mandate issued on August 19, 2014, and the United States Supreme Court decision in *McCullen v. Coakley*, 573 U.S. \_\_\_, \_\_\_ S.Ct. \_\_\_, 189 L.Ed. 2d 502 (2014). The decision held that the version of Mass. Gen. Laws, ch. 266, §§120E½ (b), enacted in 2007 and stricken as of July 30, 2014, violates the First and Fourteenth Amendments of the United States Constitution. In accordance with the mandate, the 2007 version of Mass. Gen. Laws, ch. 266, §§120E½ (b), is declared unconstitutional and the defendants are permanently enjoined from enforcing it. The Court retains jurisdiction to consider plaintiffs' motion for attorney's fees and expenses. Plaintiffs shall file their motion for attorneys' fees no later than 60 days from entry of judgment.

It is SO ORDERED.

Done at Boston, Massachusetts, this 12<sup>th</sup> day of September, 2014

  
United States District Judge